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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.  
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,  
*et al.*,

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:  
22CV021840]

**PROVISIONAL STIPULATION OF  
DISMISSAL WITH PREJUDICE:  
BW/IP, INC., INDIVIDUALLY AND AS  
SUCCESSOR-IN-INTEREST TO  
BYRON JACKSON PUMPS; ORDER**

Courtroom: 02, 4<sup>th</sup> Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: September 9, 2024.

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section  
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and  
4 BW/IP, INC., INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO BYRON  
5 JACKSON PUMPS (“Defendant”) hereby stipulate as follows:

6 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss  
7 of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda  
8 Case No. 22CV021840.

9 2. On December 21, 2022, the above action was removed to the United States District  
10 Court, Northern District of California, Case No. 4:22-09058.

11 3. On September 10, 2024, Plaintiffs and Defendant reached an agreement of all claims  
12 in this action.

13 4. The terms of settlement are not yet perfected, but Plaintiffs and Defendant agree that  
14 this matter should not be litigated due to the agreed-upon resolution.

15 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the  
16 following:

17 This Court should conditionally dismiss this Action in its entirety against BW/IP, INC.,  
18 INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO BYRON JACKSON PUMPS,  
19 only, with prejudice. As the terms of settlement are not yet perfected, this Court will retain  
20 jurisdiction over the matter for sixty (60) days.

21 DATED: September 10, 2024

Maune Raichle Hartley French & Mudd LLC

22 By:   
23 \_\_\_\_\_

Rabiah N. Oral  
Attorney for Plaintiffs

1 DATED: September 10, 2024

Foley & Mansfield, PLLP

2 By: /s/ Nicole Brown Yuen

3 Nicole Brown Yuen

4 Laila Rahimi-Keshari

Attorneys for BW/IP, INC.,

INDIVIDUALLY AND AS SUCCESSOR-

IN-INTEREST TO BYRON JACKSON

PUMPS

6  
7 **LOCAL RULE 5-1(i)(3) SERVICE AND FILING OF PLEADINGS AND OTHER**  
8 **PAPERS**

9 In accordance with L.R5-1(i)(3), I, Rabiah N. Oral, attest that all signatories identified  
10 above, and on whose behalf the filing is submitted, concur in the filing's content and have  
11 authorized the filing.

12 DATED: September 10, 2024

By: 

Rabiah N. Oral, Esq.

Attorney for Plaintiffs


**ORDER**

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that BW/IP, INC., INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO BYRON JACKSON PUMPS, only, is conditionally dismissed with prejudice from this Action in its entirety. Perfection of the terms of the settlement is to be completed within 60 days of this signed Order. The Court shall retain jurisdiction for 60 days from the date of this signed Order.

IT IS SO ORDERED.

DATED: 9/11/2024

  
Hon. Haywood S. Gilliam, Jr.  
UNITED STATES DISTRICT COURT JUDGE